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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/047,582	01/14/2002	Daniel P. Wilson	1097-2	4690	
7.	590 09/15/2003				
Joseph W. Schmidt, Esq. DILWORTH & BARRESE, LLP 333 Earle Ovington Blvd.			EXAMINER		
			KING, ANITA M		
Uniondale, NY	11553		ART UNIT	PAPER NUMBER	
		3632			
			DATE MAILED: 09/15/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application No.   Applicant(s)	•			<b>\</b>	7
Examin r   Arit Unit   3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632   3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632   3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632     3632   3632     3632     3632     3632     3632     3632     3632     36		Application No.		Applicant(s)	
Anita M. King  Anita M. King  Anita M. King  Anita M. King  As HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY DETROID FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified shows is fees the birthly (30) days, a reply which the statistical style (30) days will be considered timely.  If the period for reply specified shows is fees the birthly (30) days, a reply which the statistic style (30) days will be considered timely.  If the period for reply specified shows is fees the birthly (30) days, a reply which the statistic style (30) days will be considered timely.  If the period for reply specified shows is the statistic period of the reply specified in Section ANNONEDE (30) at 3, 5 (33).  Any reply received by the Office later than there months after the mailing date of this communication, even if timely filed, may reduce any searce placent time adjustment.  Status  Status  Status  Status  This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1 and 3-5 is/are pending in the application.  4a) Of the above claim(s) is a replicated to a state withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are a	•	10/047,582		WILSON ET AL.	
- The MALLING DATE of this communication appears on th cover she it with the correspond nee address— Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time my be available under the provisions of 37 CR 1.13(c). In ne event, however, may a reply be timely filed after SIX (b) MCNTH'S from the making date of his communication.  Extensions of time my be available under the provisions of 37 CR 1.13(c). In ne event, however, may a reply be timely filed after SIX (b) MCNTH'S from the making date of his communication.  **FIRE A COMMUNICATION**  **F	Office Action Summary	Examin r		Art Unit	
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This is the second office action for application number 10/047,582, System and Method for Mounting Heavy Machinery to a Horizontal Support, filed on January 14, 2002.

#### Cancellation of Claims

Claim 2 has been canceled per applicant's request in Paper no. 5, dated June 16, 2003.

### Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,354,655 to Hengst. Hengst discloses a system for mounting equipment to a surface, the system comprising: a frame including first and second longitudinal members (20) each provided with a U-shaped channel; at least one cross member (22) for operatively connecting the longitudinal members at a predetermined spaced relation; at least one fastening element (34 & 32) mounted to a respective U-shaped channel of each longitudinal member and configured to move therein along a plurality of paths extending transversely to one another for reception within a respective mounting aperture of the equipment; and a machine (14) having a lower surface with front and rear mounting apertures.

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### Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hengst in view of U.S. Patent 5,118,233 to Mitchell. Hengst further discloses that the at least one fastening element is adapted for longitudinal and pivotal movement and the at least one fastening element includes a fastening bolt (32), a washer (34) and a coil spring (38) mounted to the bolt. Hengst discloses the claimed invention except for the limitations of the at least one fastening element adapted for lateral movement and the washer having a width smaller than the width of the U-shaped channel of the first and second longitudinal members. Mitchell teaches that it is known in the support art to have a fastening element including a bolt (B), a washer (N) and a coil spring (S) mounted to the bolt, the washer having a width smaller than a width of a U-shaped channel (C) to allow the coil spring to move on a bottom of the channel to a position wherein the fastening bolt is received within a mounting aperture of a object, and wherein the fastening element is adapted for pivotal, longitudinal and lateral movement relative the channel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the fastening element in Hengst to have included the fastening element as taught by Mitchell for the purpose of inherently pre-setting, calibrating and controlling the tightening tension of the fastening element used in channel assembly structures.

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## Response to Arguments

Applicant's arguments with respect to claims 1, 3, and 4 have been considered but are most in view of the new ground(s) of rejection.

#### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,146,074 to Kowalski

U.S. Patent 4,575,295 to Rebentisch

U.S. Patent 4,830,531 to Condit et al.

U.S. Patent 5,271,586 to Schmidt

The above patents all disclose a fastening element used with a U-shaped channel member.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Anita M. King
Primary Examiner
Art Unit 3632

September 8, 2003